

Appl. No.: 10/634,240
Amdt. dated 12/14/2005
Reply to Office action of September 15, 2005

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action dated September 15, 2005. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Claims 1-26 were previously pending in the application and Claim 26 was previously withdrawn. Claims 1-25 are rejected. Applicants have amended Claims 1, 3, 15, 17 and 18 to more clearly define the invention, as explained more fully below. Applicants have also canceled Claims 2, 7, 9, 12, 14, 16 and 20. It is respectfully submitted that, in light of the arguments and claim amendments, all of the claims are now in condition for allowance.

Rejections Under 35 USC § 102 As Being Anticipated By the Belokin '461 Patent

The Office Action rejected Claims 1-3, 8-10, 18-21 and 23-25 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,123,461 to Belokin, Jr. et al. ("the Belokin '461 patent"). To the extent that these rejections would be applied against the claims as amended, Applicants respectfully traverse.

The Belokin '461 patent discloses a container with removable top and bottom ends and with a tapered side wall to accommodate nesting of multiple containers prior to filling with a liquid and after dispensing of the liquid. A threaded cap 134 is provided on the top end of the container and a scored metal disk bottom closure 39 is provided on the bottom end of the container. Amended independent Claim 1 recites a panel that is heat staked to the end wall. Similarly, amended independent Claim 18 recites a removable lid that is attached to the top end of the container body by heat staking. Support for the amendments is provided at least on page 8, lines 22-28. The Belokin '461 patent fails to disclose a panel or removable lid that is heat staked to a container or container body. For at least this reason, Applicants respectfully submit that Claims 1 and 18 as amended, and Claims 3, 8 and 10 and Claims 19, 21 and 23-25 that respectively depend therefrom, are not anticipated by the Belokin '461 patent. Accordingly, Applicants respectfully request that the rejections of Claims 1, 3, 8, 10, 18, 19, 21 and 23-25 be withdrawn.

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Rejections Under 35 USC § 102 As Being Anticipated By the Bianchi '373 Patent

The Office Action rejected Claims 1-5, 7-11, 18-21 and 23-25 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,782,373 to Bianchi ("the Bianchi '373 patent"). To the extent that these rejections would be applied against the claims as amended, Applicants respectfully traverse.

The Bianchi '373 patent discloses a metal beverage can having an easy-opening tab on the top of the can and a second easy-opening tab on the bottom of the can. Amended independent Claim 1 recites a panel that is heat staked to the end wall. Similarly, amended independent Claim 18 recites a removable lid that is attached to the top end of the container body by heat staking. The Bianchi '373 patent fails to disclose a panel or removable lid that is heat staked to a container or container body. For at least this reason, Applicants respectfully submit that Claims 1 and 18 as amended, and Claims 3-5, 7, 8, 10 and 11 and Claims 19, 21 and 23-25 that respectively depend therefrom, are not anticipated by the Bianchi '373 patent. Accordingly, Applicants respectfully request that the rejections of Claims 1, 3-5, 7, 8, 10, 11, 18, 19, 21 and 23-25 be withdrawn.

Rejections Under 35 USC § 102 As Being Anticipated By the Manska '198 Patent

The Office Action rejected Claims 1-3, 6 and 22 under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,883,198 to Manska ("the Manska '198 patent"). To the extent that these rejections would be applied against the claims as amended, Applicants respectfully traverse.

The Manska '198 patent discloses a container with a top 14 on one end and a peelable sealing strip 32 on an opposite end, such that opening the seal while a semi-solid mass, such as dog food, is being dispensed from the first end after the top has been removed will release the vacuum pressure inside the container to allow the semi-solid mass to exit the container as a unitary mass. The Manska '198 patent discloses removing the top with an ordinary can opener (col. 2, lines 30-32) and alternative tops such as tops with tear string, foil tear tops, metal tear-off

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tops, metal band seals, screw-off lids, and pull-off lids (col. 2, lines 46-56). Referring now to the present application, the amended independent Claim 1 recites a panel that is heat staked to the end wall. Similarly, amended independent Claim 18, from which Claim 22 depends, recites a removable lid that is attached to the top end of the container body by heat staking. The Manska '198 patent fails to disclose a panel or removable lid that is heat staked to a container or container body. For at least this reason, Applicants respectfully submit that Claim 1, and Claims 3 and 6 that depend therefrom, and Claim 22 are not anticipated by the Manska '198 patent. Accordingly, Applicants respectfully request that the rejections of Claims 1, 3, 6 and 22 be withdrawn.

Rejections Under 35 USC § 103 As Being Unpatentable Over the Bianchi '373 Patent in view of the Tedford '203 Patent

The Office Action rejected Claims 12-17 under 35 USC 102(b) as being unpatentable over the Bianchi '373 patent in view of U.S. Patent No. 6,328,203 to Tedford, Jr. ("the Tedford '203 patent"). To the extent that these rejections would be applied against the claims as amended, Applicants respectfully traverse.

As stated above, the Bianchi '373 patent discloses a metal beverage can having an easy-opening tab on the top of the can and a second easy-opening tab on the bottom of the can. The Tedford '203 patent discloses an opening feature for a beverage container wherein a pull tab 11 is adhered to a metallized film 18 to cover a perforation 14 prior to the pull tab being removed to provide access to the perforation.

Referring now to the present application, the amended independent Claim 1, from which Claim 13 depends, recites a panel that is heat staked to the end wall of the container. Similarly, amended independent Claim 15 recites a panel that is heat staked to the end wall of the container. Amended independent Claim 17 recites a pull feature that is joined to the panel and that includes a ring that is heat staked to the inner edge of the opening in the end wall of the container. Neither the Bianchi '373 patent nor the Tedford '203 patent disclose a panel or a pull feature with a ring that is heat staked to a container. For at least this reason, Applicants respectfully submit that Claim 13, which depends from amended Claim 1, and Claims 15 and 17 are not

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unpatentable over the Bianchi '373 patent in view of the Tedford '203 patent. Accordingly, Applicants respectfully request that the rejection of Claims 13, 15 and 17 be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Eloshway is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respcctfully submitted,

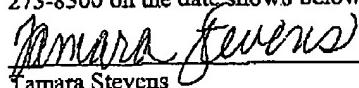


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.


Tamara Stevens

12-14-2005

Date